

BRUCE WESTERMAN
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COMMITTEE ON THE BUDGET

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COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY

Congress of the United States

House of Representatives

Washington, DC 20515-0404

October 29, 2015

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<http://westerman.house.gov>

The Honorable Benjamin C. Mizer
Principal Deputy Assistant Attorney General, Civil Division
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Mizer,

I write today concerning potential federal liability in a civil matter in the Fourth District of Arkansas. On April 14, 2010, a prescribed burn conducted by the US Forest Service in Logan County, Arkansas allegedly spread onto private land owned by Deltic Timber Corporation, damaging 174 acres of 2-3 year old pine trees. According to Deltic, this fire caused \$49,519.28 in damages.

More than five years later, Deltic has yet to receive a response from the Department of Justice (DOJ). On October 1, 2010, Deltic submitted Standard Form 95-108, as required under the Federal Tort Claims Act in order to receive compensation. To this day, DOJ has yet to respond, and in fact, refuses to even communicate with Deltic about the status of their claim.

Additionally, my staff contacted the U.S. Forest Service, but was informed that since they submitted the claim to the DOJ, they could no longer comment on the claim. After reaching out to the DOJ for an answer, my staff was told that the DOJ will not comment on a pending case. While I do not expect DOJ to break its internal policy on commenting on such a matter, I do expect federal agencies to treat my constituents fairly, and deal with these issues in a timely, transparent manner.

It is imperative that the federal government meet its responsibilities, including paying back damages caused by its actions. This is a glaring example of a slow federal response to the needs of my constituents. I ask that you look into this claim, and give Deltic an answer as to whether the federal government owes them any compensation.

Thank you for your time. I look forward to your prompt response.

Sincerely,



Bruce Westerman
Member of Congress

CC: Tom Tidwell, Chief, US Forest Service
Mr. Ray Dillon, President and CEO, Deltic Timber